

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No.116 of 1998

S.C.113/1996 OF THE COURT OF THE PRINCIPAL ASSISTANT SESSIONS
JUDGE, IRINJALAKUDA.

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REVISION PETITIONER/DEFACTO COMPLAINANT:-

BHARATHI, C/O.UPENDRAN, PUTHIYEDATH,
METHALA P.O., KODUNGLALOOR.

BY ADV. SRI.K.A.JALEEL
SRI.C.ANIL KUMAR

RESPONDENTS/ACCUSED AND COMPLAINANT:-

1. SAWTHA, W/O.NEDIYAVEETIL KUNHIRAMAN,
THIRIPPEKULAM DESOM, PAPPINIVATTOM VILLAGE.
2. DASAN, S/O.PADIYATH VELAYUDHAN, THIRIPPEKULAM DESOM,
PAPPINIVATTOM VILLAGE.
3. RAVI, S/O.THOTTUPURATH VELAYUDHAN, THIRIPPEKULAM DESOM,
PAPPINIVATTOM VILLAGE.
4. ASOKAN, S/O.SOOTHRAPPAI KANAVATHI,
ONACHUMAVU DESOM, PAPPINIVATTOM VILLAGE.
5. JOSHY, S/O.THRISHNATH AYYAPPAN, THIRIPPEKULAM DESOM,
PAPPINIVATTOM VILLAGE.
6. RAJU, S/O.KARUPPAMPURAKKAL THUPRAN, THIRIPPEKULAM DESOM,
PAPPINIVATTOM VILLAGE.
7. THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MATHILAKAM - CRIME NO.449/94 OF MATHILAKOM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 TO R6 BY ADV. SRI.GEORGE THOMAS
SRI.P.B.ASOKAN
SRI.GEO PAUL

R7 BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.116 of 1998

Dated, this the 6th day of December, 2006

ORDER

V.K.Bali,C.J. (Oral)

Respondents 1 to 6 were tried for offences under Section 366A read with Section 34 of Indian Penal Code. After trial, they were acquitted by the learned Principal Assistant Sessions Judge, Irinjalakuda vide order dated 14th August, 1997. Hence this revision against acquittal.

2. With the assistance of learned counsel, I have gone through the judgment and in particular paragraphs 11 onwards, which contain reasons for acquittal. The learned Sessions Judge discussed the entire evidence and on the basis thereof, came to the correct conclusion. The findings recorded by the learned Sessions Judge are such that an order of acquittal can well be recorded. If that be so, no occasion would arise to convert the finding of acquittal into that of conviction. No merits. Dismissed.

V.K.Bali
Chief Justice

vku/-